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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,711	10/03/2005	Kevin John Hartle	29390-1	6193

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BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
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EXAMINER

WILLIAMS, MAURICE L

ART UNIT	PAPER NUMBER
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3611

MAIL DATE	DELIVERY MODE
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09/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,711	Applicant(s) HARTLE, KEVIN JOHN	
	Examiner Maurice Williams	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 1-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/03/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 30-32, 34, 35, 37-40, 42-44, 46, 48-50, 52, 55-57 rejected under 35

U.S.C. 102(b) as being anticipated by Pardy (GB 2,265,959). Pardy discloses:

Regarding claims 30, 42 and 56:

A fluid pressure disturbance damping arrangement, and a method of damping, comprising: an elongate flexible damping hose (**Figs. 2-4**) in fluid communication with a return line (**Fig. 1**), a non-circular cross section area the peripheral wall being responsive to impulsive or vibrational pressure disturbances in the contained fluid to deform and restore locally changing the shape of the cross-section area (col. 1, ln. 30-

31) to dissipate energy.

Regarding claim 31:

The peripheral wall of the damping hose is arranged to define different cross-sectional areas at different longitudinal positions (**Fig. 5**)

Regarding claims 32 and 46

The peripheral wall is configured to change shape in response to contained fluid pressure disturbances without storing disturbance energy solely as elastic stretching of the peripheral wall (pg. 1, ln. 30-pg. 2, ln. 1)

Regarding claims 35 and 49:

The damping hose has two opposing first wall parts normally closer together than two orthogonally disposed opposing second wall parts (**Fig. 4**)

Regarding claims 37 and 50:

The peripheral wall has a shape defining a generally elliptical cross-section. (**Fig. 4**)

Regarding claims 38, 39, 43, 55 and 57:

The damping hose is provided in fluid communication with the return line of the fluid actuation device and holds hydraulic fluid (**Fig. 1**; pg. 2, ln. 31-32).

Regarding claims 40 and 44:

The damping hose is of fixed length (**Fig. 1**)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 33 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pardy in view of Gustafsson (US 7,140,406).

Pardy discloses as discussed above, but does not directly disclose a wall construction of interwoven strands. Gustafsson discloses a hose with interwoven strands (**2, 11**).

Therefore, it would have been obvious to a person having ordinary skill in the art to modify Pardy as taught by Gustafsson in order to increase the strength of the hose, and to decrease the wear over time due to expansion and deformation.

6. Claims 36 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pardy in view of Walsh et al. (US 5,746,255).

Pardy discloses as discussed above, but does not directly disclose a damping hose in which the wall parts contact each other. Walsh discloses two walls in contact with each other in the absence of pressure (**Fig. 1**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Pardy as taught by Walsh in order to assist with fluid damping and noise attenuation.

7. Claims 34, 41, 45, 48, 53, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pardy in view of Ozeki (US 6,176,147).

Pardy discloses as discussed above, but does not directly disclose a vehicle power steering rack that supports the damping hose. Ozeki discloses a hose (**54**), which delivers hydraulic fluid (col. 1, ln. 6) and is disposed along a rack casing (**22**).

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Therefore it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Pardy as taught by Ozeki in order to place the damping hose in a hydraulic steering system in a position which will not obstruct the other components in the vehicle.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Webber (610), Oberholzer (729), Newberry (599), Brandt (679), Tagami (726), Chen (515), and Ballard (954).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurice Williams whose telephone number is (571) 272-4263. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Maurice Williams
Examiner
Art Unit 3611

September 11, 2007



LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
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